

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

To:

TIEDKE-BÜHLING-KINNE & PARTNER
Attn. LESON, Thomas J.A.
Bavariaring 4
D-80336 MÜNCHEN
GERMANY

RECEIVED
EINGEGANGEN

19. Juli 2004

TBK - PATENT

Date of mailing
(day/month/year)

19/07/2004

Applicant's or agent's file reference

WO 39135

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.

PCT/EP 03/14013

International filing date
(day/month/year)

10/12/2003

Applicant

HONEYWELL INTERNATIONAL INC.

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Further action(s):** The applicant is reminded of the following:

Shortly after **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within **19 months** from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within **20 months** from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority



European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Chrystalla Louca-Dreher

10.4.05 ✓ WV 19.8. ✓

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference WO 39135	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 03/14013	International filing date (day/month/year) 10/12/2003	(Earliest) Priority Date (day/month/year)
Applicant HONEYWELL INTERNATIONAL INC.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

VARIABLE NOZZLE DEVICE FOR A TURBOCHARGER

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1 _____

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/14013

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 F01D17/14 F02B37/007 F02B37/18 F02C6/12

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 F01D F02B F02C F04D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 342 889 A (HOLSET ENGINEERING CO) 23 November 1989 (1989-11-23) the whole document ---	1-4,6-10
X	EP 1 260 675 A (IVECO MOTORENFORSCHUNG AG) 27 November 2002 (2002-11-27) the whole document ---	1-10
X	GB 874 085 A (GARRETT CORP) 2 August 1961 (1961-08-02) the whole document ---	1-3,5-8
X	DE 10 34 192 B (BERNARD COLLIGNON;SNCF) 17 July 1958 (1958-07-17) figure 1 --- -/--	1-3,5-10



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Date of the actual completion of the international search

12 July 2004

Date of mailing of the international search report

19/07/2004

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Koch, R

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 03/14013

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4 056 330 A (LIEBER JEAN) 1 November 1977 (1977-11-01) figure 1 ---	1,2,5-8
X	DE 102 10 369 A (DAIMLER CHRYSLER AG) 25 September 2003 (2003-09-25) the whole document ---	1,6-8,10
X	DE 199 24 228 A (3K WARNER TURBOSYSTEMS GMBH) 7 December 2000 (2000-12-07) the whole document ---	1,6-12
A		3
X	US 4 586 336 A (HOERLER HANSULRICH) 6 May 1986 (1986-05-06) figure 3 ---	1,2,5-9
X	US 6 158 956 A (ARNOLD STEVEN DON) 12 December 2000 (2000-12-12) the whole document ---	1,6-10
X	US 6 216 459 B1 (DAUDEL HELMUT ET AL) 17 April 2001 (2001-04-17) the whole document ---	1,6-8,10
X	DE 198 35 594 A (AUDI NSU AUTO UNION AG) 10 February 2000 (2000-02-10) the whole document ---	7,9
A		8,11,12
E	WO 2004/035994 A (HETTINGER RAPHAEL ; LOMBARD ALAIN (FR); LAVEZ ALEXIS (FR); SEVERIN) 29 April 2004 (2004-04-29) the whole document -----	1,4-12

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 03/14013

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0342889	A	23-11-1989	GB 2218744 A BR 8902302 A DE 68901360 D1 EP 0342889 A1 ES 2030973 T3 JP 2064203 A JP 2730968 B2 MX 171870 B US 4973223 A	22-11-1989 09-01-1990 04-06-1992 23-11-1989 16-11-1992 05-03-1990 25-03-1998 22-11-1993 27-11-1990
EP 1260675	A	27-11-2002	IT T020010506 A1 EP 1260675 A1 JP 2003035151 A US 2003026692 A1	25-11-2002 27-11-2002 07-02-2003 06-02-2003
GB 874085	A	02-08-1961	NONE	
DE 1034192	B	17-07-1958	NONE	
US 4056330	A	01-11-1977	CH 578686 A5 AU 8534775 A BE 834102 A1 BR 7506332 A CA 1037779 A1 CS 186719 B2 DE 2544055 A1 ES 441222 A1 FR 2286960 A1 GB 1516849 A IT 1047331 B JP 51062240 A NO 753323 A SE 418986 B SE 7510981 A	13-08-1976 07-04-1977 02-02-1976 10-08-1976 05-09-1978 29-12-1978 15-04-1976 16-03-1977 30-04-1976 05-07-1978 10-09-1980 29-05-1976 06-04-1976 06-07-1981 05-04-1976
DE 10210369	A	25-09-2003	DE 10210369 A1	25-09-2003
DE 19924228	A	07-12-2000	DE 19924228 A1 EP 1180198 A1 JP 2003522310 T WO 0073630 A1 US 6715288 B1	07-12-2000 20-02-2002 22-07-2003 07-12-2000 06-04-2004
US 4586336	A	06-05-1986	DE 3375419 D1 EP 0093462 A1 IN 159154 A1 JP 1813847 C JP 5019013 B JP 58192925 A	25-02-1988 09-11-1983 04-04-1987 18-01-1994 15-03-1993 10-11-1983
US 6158956	A	12-12-2000	WO 0020726 A1 AU 1099100 A	13-04-2000 26-04-2000
US 6216459	B1	17-04-2001	DE 19857234 A1 FR 2787142 A1 IT RM990742 A1	29-06-2000 16-06-2000 06-06-2001
DE 19835594	A	10-02-2000	DE 19835594 A1	10-02-2000

Information on patent family members

PCT/EP 03/14013

WO 2004035994 A 29-04-2004 WO 2004035994 A1 29-04-2004